

EXHIBIT A

IN THE CIRCUIT COURT OF CHRISTIAN COUNTY, MISSOURI
FAMILY COURT DIVISION

In Re the Marriage Of:

KELLY LYNN HOOT)	
SSN: XXX-XX-5394,)	
)	
Petitioner,	)	Case No. 38V010100575-01
)	
vs.)	
)	
RONALD EDWARD HOOT,)	
SSN.: XXX-XX-7690,)	
)	
Respondent.)	

**MOTION TO MODIFY AMENDED JUDGMENT OF DISSOLTUION OF MARRIAGE –
QUALIFIED DOMESTIC RELATIONS ORDER**

COMES NOW the Respondent, Ronald E. Hoot, and for his Motion to Modify, the Court's Judgment And Decree of Dissolution Of Marriage and in particular the Qualified Domestic Relations Order, states to the Court as follows:

1. This Court entered its Judgment and Decree of Dissolution of Marriage, in the above referenced matter, on December 30, 2003, and on February 23, 2004, the Court entered its Amended Judgment Of Dissolution of Marriage. The contents of said decree are incorporated herein by reference and made a part of this motion in *haec verba* for all purposes. The Court's, Amended Judgment and Decree, among other things, awarded Petitioner certain funds from Respondent's Retirement under a Qualified Domestic Relations Order For SBC Pension Benefit Plan-Non-Bargained Program to be valued as of December 2003, executed on April 12, 2004, by the Honorable John S. Waters.

2. The evidence determined that the value of said Plan, as of December 2003 was \$25,092.00.

3. That all parties, and the Court, agreed that Petitioner, then Mrs. Hoot, was awarded the plan value as of December 2003, in the amount of \$25,092.00.

4. The Court issued a QDRO to accomplish the above described distribution on March 17, 2004.

5. That said QDRO has been served on said Plan Administrator.

6. That to date said Administrator has neglected and refused to carry out the court's QDRO as executed.

7. That the above has caused Respondent to be required to spend unnecessary costs, including attorney fees.

WHEREFORE, Respondent prays the Court for an Order compelling the Administrator of SBC Pension Benefit Plan-Non-bargained Program to immediately comply with this Court's Qualified Domestic Relations Order and to grant Respondent a Judgment for all of his costs, expenses and attorney's fees, and for such other and further relief as the Court deems just and proper.

LAW OFFICE OF TED VON WILLER

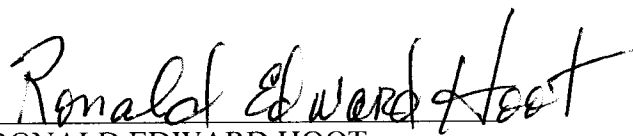

TED VON WILLER, JR.

Attorney for Respondent

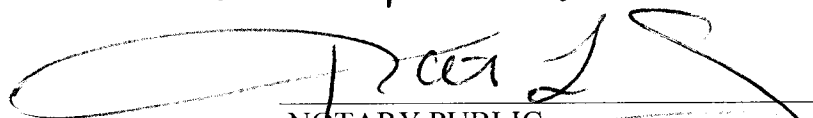
2847 S. Ingram Mill, Rd., Suite A-100
Springfield, MO 65804
Telephone: 417/886-3330
Fax: 417/886-8186
Mo. Bar No. 23931
tedvonwillerpc@aol.com

STATE OF MISSOURI)
) SS.
 COUNTY OF GREENE)

RONALD EDWARD HOOT, after being duly sworn upon his oath, states that he is of lawful age, and that the facts contained in the foregoing Motion To Modify are true and correct to the best of his knowledge and belief, and that he has executed the same as his own free act and deed.


 RONALD EDWARD HOOT

Subscribed and sworn to before me this 8th day of November, 2017.


 NOTARY PUBLIC

My Commission expires:






IN THE 38TH JUDICIAL CIRCUIT, CHRISTIAN COUNTY, MISSOURI

Judge or Division: LARRY G LUNA	Case Number: 38V010100575-01
Petitioner: KELLY LYNN HOOT	Respondent's Attorney/Address: THEODORE EDMOND VON WILLER JR SUITE A-100 2847 S INGRAM MILL ROAD SPRINGFIELD, MO 65804-4043
vs.	
Respondent: RONALD EDWARD HOOT	Court Address: 110 WEST ELM STREET, SUITE 202 OZARK, MO 65721
Nature of Suit: CC Motion to Modify	(Date File Stamp)

Summons for Personal Service Outside the State of Missouri – Domestic Relations Case

The State of Missouri to: KELLY LYNN HOOT
Alias:
735 JEFFERSON DR
TYLER, TX 75703

COURT SEAL OF

CHRISTIAN COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Respondent at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

In Your Child's Best Interest is required by section 452.556, RSMo, to be provided to parties in a dissolution or legal separation and motions to modify. This parenting handbook can be downloaded at www.courts.mo.gov. If you do not have access to the internet, contact the court and a copy will be provided to you.

_____ 11/20/17 _____ /S/ BH _____
Date Clerk

Further Information:

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above summons by: (check one)
 - ☐ delivering a copy of the summons and a copy of the petition to Petitioner.
 - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Petitioner with _____, a person of the Petitioner's family over the age of 15 years.
 - ☐ other (describe) _____.

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and Sworn To me before this _____ (day) _____ (month) _____ (year)

I am: (check one) ☐ the clerk of the court of which affiant is an officer.
☐ the judge of the court of which affiant is an officer.
☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees, if applicable

Summons \$ _____
 Non Est \$ _____
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
 Total \$ _____

See the following page for directions to clerk and to officer making return on service of summons.

Directions to Clerk

Personal service outside the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the Petitioner or Petitioners who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court and a copy of the summons and a copy of the petition for each Petitioner should be mailed along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and sealed in the same manner as the original but it is unnecessary to certify that the copy is a true copy. The copy of the petition may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Respondent has no attorney, the Respondent's address and telephone number should be stated in the appropriate square on the summons. This form is not for use in attachment actions. (See Rule 54.06, 54.07 and 54.14)

Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the petition must be served on each Petitioner. If any Petitioner refuses to receive the copy of the summons and petition when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and petition and the Petitioner's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition to the individual personally or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Petitioner is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri court within 30 days after service.


IN THE 38TH JUDICIAL COURT, CHRISTIAN COUNTY, MISSOURI

KELLY LYNN HOOT,)	
)	
Petitioner,)	
)	
v.	)	Case #38V010100575-01
)	
RONALD EDWARD HOOT,)	
)	
Respondent.)	

ENTRY OF APPEARANCE OF THOMAS M. BENSON

COMES NOW Thomas M. Benson of Lowther Johnson Attorneys at Law, LLC, and hereby enters his appearance on behalf of Petitioner/Respondent Kelly Lynn Hoot in the above-captioned matter.

LOWTHER JOHNSON
Attorneys at Law, LLC

By: 

Thomas M. Benson
Missouri Bar Number 42659
901 St. Louis Street, 20th Floor
Springfield, MO 65806
Telephone: 417-866-7777
Fax: 417-866-1752
tbenson@lowtherjohnson.com
Attorney for Petitioner/Respondent



IN THE 38TH JUDICIAL CIRCUIT, CHRISTIAN COUNTY, MISSOURI

Judge or Division: LARRY G LUNA	Case Number: 38V010100575-01	Received ANDY DUNKLIN JAN 08 2018
Petitioner: KELLY LYNN HOOT	Respondent's Attorney/Address: CONSTABLE THEODORE EDMOND VON WILLER JR. SUITE A-100 2847 S INGRAM MILL ROAD SPRINGFIELD, MO 65804-4043	PRECINCT #2 CIRCUIT CLERK CHRISTIAN COUNTY, MO
Respondent: RONALD EDWARD HOOT	Court Address: 110 WEST ELM STREET, SUITE 202 OZARK, MO 65721	Date 12-14-2017 1:42 PM
Nature of Suit: CC Motion to Modify	BY <u>C. C. Hoot</u> (Date File Stamp)	

Summons for Personal Service Outside the State of Missouri – Domestic Relations Case

The State of Missouri to: KELLY LYNN HOOT

Jeffery
735 JEFFERSON DR
TYLER, TX 75703

Alias:

COURT SEAL OF



CHRISTIAN COUNTY

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____ 11/20/17 ____ /S/ BH ____
Date Clerk

Further Information:

Officer's or Server's Affidavit of Service

I certify that:

1. I am authorized to serve process in civil actions within the state or territory where the above summons was served.
2. My official title is Deputy Constable of Smith County, Tx (state).
3. I have served the above summons by: (check one)

- ☒ delivering a copy of the summons and a copy of the petition to Petitioner.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Petitioner with
☐ other (describe) _____, a person of the Petitioner's family over the age of 15 years.

Served at 735 Jeffery Dr (address)
in Tyler County, Smith, Tx (state), on 12-14-17 (date) at 2:00 pm (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and Sworn To me before this ____ (day) ____ (month) ____ (year)

- I am: (check one) ☐ the clerk of the court of which affiant is an officer.
☐ the judge of the court of which affiant is an officer.
☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees, if applicable

Summons \$ _____
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IN THE 38TH JUDICIAL COURT, CHRISTIAN COUNTY, MISSOURI

KELLY LYNN HOOT,)	
n/k/a KELLY LYNN MATTA,)	
)	
Petitioner,)	
)	
v.	)	Case #38V010100575-01
)	
RONALD EDWARD HOOT,)	
)	
Respondent/Movant.)	

**PETITIONER'S ANSWER TO RESPONDENT'S MOTION TO MODIFY AMENDED
JUDGMENT OF DISSOLUTION OF MARRIAGE/
QUALIFIED DOMESTIC RELATIONS ORDER**

COMES NOW Petitioner Kelly Lynn Matta and for her Answer to Motion to Modify Amended Judgment of Dissolution/Qualified Domestic Relations Order, states and avers to the Court as follows:

1. Petitioner admits that this Court entered its Judgment and Decree of Dissolution of Marriage on or about December 30, 2003, and entered its Amended Judgment of Dissolution of Marriage on or about February 23, 2004. Petitioner denies all other allegations contained in paragraph 1 of the Motion to Modify and requires strict proof thereof.
2. Petitioner admits the allegations contained in paragraph 2 of the Motion to Modify.
3. Petitioner admits the allegations contained in paragraph 3 of the Motion to Modify.
4. Petitioner admits the allegations contained in paragraph 4 of the Motion to Modify.
5. Petitioner admits the allegations contained in paragraph 5 of the Motion to Modify.
6. Petitioner is without sufficient information to admit or deny the allegations contained in paragraph 6 of the Motion to Modify and, therefore, denies same and requires strict proof thereof.

7. Petitioner is without sufficient information to admit or deny the allegations contained in paragraph 7 of the Motion to Modify and, therefore, denies same and requires strict proof thereof. For further answer, Petitioner states that no action or behavior taken by her has caused the Respondent to spend unnecessary costs or attorney fees.

WHEREFORE having fully answered the Motion to Modify Amended Judgment of Dissolution of Marriage, Petitioner prays for this Court's order enforcing its previously entered orders in this matter; and for such other and further relief as the Court deems just and proper in the premises.

Kelly Lynn Matta
KELLY LYNN MATTA f/k/a
KELLY LYNN HOOT

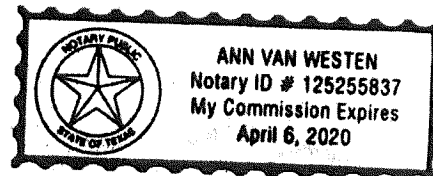
STATE OF TEXAS)
) ss.
COUNTY OF Smith)

On this 8th day of January 2018, before me personally appeared KELLY LYNN MATTA f/k/a KELLY LYNN HOOT, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.


IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Springfield, Missouri, the day and year first above written.

Ann Van Westen
Notary Public

My Commission expires: April 6, 2020



LOWTHER JOHNSON
Attorneys at Law, LLC

By: 
Thomas M. Benson

Missouri Bar Number 42659
901 St. Louis Street, 20th Floor
Springfield, MO 65806
Telephone: 417-866-7777
Fax: 417-866-1752
tbenson@lowtherjohnson.com
Attorney for Petitioner/Respondent

IN THE 38TH JUDICIAL COURT, CHRISTIAN COUNTY, MISSOURI

KELLY LYNN HOOT,)	
n/k/a KELLY LYNN MATTA,)	
)	
Petitioner,)	
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v.)	Case #38V010100575-01
)	
RONALD EDWARD HOOT,)	
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Respondent/Movant.)	

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WHEREFORE having fully answered the Motion to Modify Amended Judgment of Dissolution of Marriage, Petitioner prays for this Court's order enforcing its previously entered orders in this matter; and for such other and further relief as the Court deems just and proper in the premises.

Kelly Lynn Matta
 KELLY LYNN MATTA f/k/a
 KELLY LYNN HOOT

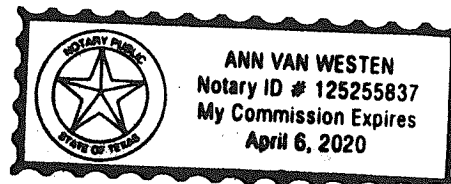
STATE OF TEXAS)
) ss.
 COUNTY OF Smith)

On this 8th day of January 2018, before me personally appeared KELLY LYNN MATTA f/k/a KELLY LYNN HOOT, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.


IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Springfield, Missouri, the day and year first above written.

Ann Van Westen
 Notary Public

My Commission expires: April 6, 2020



LOWTHER JOHNSON
Attorneys at Law, LLC

By: 
Thomas M. Benson
Missouri Bar Number 42659
901 St. Louis Street, 20th Floor
Springfield, MO 65806
Telephone: 417-866-7777
Fax: 417-866-1752
tbenson@lowtherjohnson.com
Attorney for Petitioner/Respondent

IN THE CIRCUIT COURT OF CHRISTIAN COUNTY, MISSOURI
FAMILY COURT DIVISION

In Re the Marriage Of:

KELLY LYNN HOOT
SSN: XXX-XX-5394,

Petitioner,

vs.

RONALD EDWARD HOOT,
SSN.: XXX-XX-7690,

Respondent.

Case No. 38V010100575-01

NOTICE

To: Thomas M. Benson, Attorney for Petitioner, 901 St. Louis St., 20th Floor,
Springfield, MO 65806.

PLEASE TAKE NOTICE that I will call up for hearing, Respondent's Motion to Join
Necessary Party, at 10:00 o'clock A.M., Wednesday, February 14, 2017, or as soon thereafter as
the Court shall hear the same.

LAW OFFICE OF TED VON WILLER

TED VON WILLER, JR.
Attorney for Respondent

2847 S. Ingram Mill, Rd., Suite A-100
Springfield, MO 65804
Telephone: 417/886-3330
Fax: 417/886-8186
Mo. Bar No. 23931
tedvonwillerpc@aol.com

Certificate of Service

I, the undersigned, do hereby certify that a copy of the foregoing document was served by Christian
County Electronic filing service, pursuant to Supreme Court Rule 103, Attorney for Petitioner, Thomas
M. Benson, Attorney at Law, 901 St. Louis St., 20th Floor, Springfield, MO 65806, on this
30th day of January, 2018.

/s/ Ted Von Willer, Jr.

TED VON WILLER, JR.- Mo Bar 23931
2847 S. Ingram Mill Rd., Ste. A-100
Springfield, MO 65804
417-886-3330

IN THE CIRCUIT COURT OF CHRISTIAN COUNTY, MISSOURI
FAMILY COURT DIVISION

In Re the Marriage Of:

KELLY LYNN HOOT)	
SSN: XXX-XX-5394,)	
)	
Petitioner,	)	Case No. 38V010100575-01
)	
vs.)	
)	
RONALD EDWARD HOOT,)	
SSN.: XXX-XX-7690,)	
)	
Respondent.)	
)	
AT&T Pension Benefit Plan)	
Fidelity Employer Services Company, LLC,)	
Plan Administrator,)	
Fidelity Services Center)	
P.O. Box 770003)	
Cincinnati, OH 45277-0070.)	
)	
Third-Party Respondent.)	

MOTION TO JOIN NECESSARY PARTY

COMES NOW Ronald E. Hoot, Respondent, by and through his attorney of record, Ted Von Willer, Jr., and moves the Court to add the Administrator of the AT&T Pension Benefit Plan, as a necessary party to this action and as grounds for this Motion, states to the Court as follows:

1. That Petitioner was awarded a marital interest in the AT&T Pension Benefit Plan (hereinafter referred to the Plan) and Respondent owns said plan.
2. That said Plan still exists and is still funded.
3. That said Plan holds martial property.
4. That said marital interest in said Plan is still held by said Plan.

5. That the Plan is a separate legal entity that comes under the jurisdiction of a Court of law only by proceeding against the Plan Administrator.

6. That in order to carry out this Court's Judgment dividing the marital assets held by the Plan, the Administrator of the Plan must be ordered to carry out the Judgment as written.

7. That this Court has continuing jurisdiction over the Plan assets in order to effect a proper Qualified Domestic Relations Order dividing this marital asset.

8. That the Plan Administrator refuses to implement and carry out this Court's QDRO which properly divides this marital asset as set forth in this Court's Judgment.

9. That the full interest and rights of all persons involved in or effected by the above cause of action can only be determined by the joinder of the Administrator, as a Third Party Respondent and without its joinder herein complete relief cannot be granted.

WHEREFORE, Respondent, Ronald E. Hoot prays the Court to sustain his Motion to add the Plan Administrator of the AT&T Pension Benefit Plan, as a necessary party to this action, as a Third-Party Respondent, and to direct the Clerk of the Circuit Court of Christian County, Missouri, to issue out Summons upon said Third-Party Respondent, so service of a copy of this Motion, the Court's Judgment of Dissolution of Marriage, and Amended Judgment of Dissolution of Marriage, and Qualified Domestic Relations Order, which is attached to this Motion at the following address: AT&T Pension Benefit Plan, Fidelity Services Center, P.O. Box 770003, Cincinnati, OH 45277-0070, can be had.

LAW OFFICE OF TED VON WILLER


TED VON WILLER, JR.
Attorney for Respondent

2847 S. Ingram Mill, Rd., Suite A-100
Springfield, MO 65804
Telephone: 417/886-3330
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IN THE CIRCUIT COURT OF CHRISTIAN COUNTY, MISSOURI
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In Re the Marriage Of:

KELLY LYNN HOOT
SSN: XXX-XX-5394,

Petitioner,

vs.

RONALD EDWARD HOOT,
SSN.: XXX-XX-7690,

Respondent.

AT&T Pension Benefit Plan
Fidelity Employer Services Company, LLC,
Plan Administrator,
Fidelity Services Center
P.O. Box 770003
Cincinnati, OH 45277-0070.

Third-Party Respondent.

Case No. 38V010100575-01

AMENDED
MOTION TO MODIFY AMENDED JUDGMENT OF DISSOLUTION OF MARRIAGE –
QUALIFIED DOMESTIC RELATIONS ORDER

COMES NOW the Respondent, Ronald E. Hoot, and for his Motion to Modify, the Court's Judgment And Decree of Dissolution Of Marriage and in particular the Qualified Domestic Relations Order, states to the Court as follows:

1. This Court entered its Judgment and Decree of Dissolution of Marriage, in the above referenced matter, on December 30, 2003, and on February 23, 2004, the Court entered its Amended Judgment Of Dissolution of Marriage. The contents of said decree are incorporated herein by reference and made a part of this motion in *haec verba* for all purposes. The Court's, Amended Judgment and Decree, among other things, awarded Petitioner certain funds from Respondent's Retirement under a Qualified Domestic Relations Order For SBC Pension Benefit

Plan-Non-Bargained Program to be valued as of December 2003, executed on April 12, 2004, by the Honorable John S. Waters.

2. The evidence determined that the value of said Plan, as of December 2003 was \$25,092.00.

3. That all parties, and the Court, agreed that Petitioner, then Mrs. Hoot, was awarded the plan value as of December 2003, in the amount of \$25,092.00.

4. The Court issued a QDRO to accomplish the above described distribution on March 17, 2004.

5. That said QDRO has been served on said Plan Administrator.

6. That to date said Third-Party Respondent, Administrator herein, has neglected and refused to carry out the court's QDRO as executed.

7. That the above has caused Respondent to be required to spend unnecessary costs, including attorney fees.

WHEREFORE, Respondent prays the Court for an Order compelling the Third-Party Respondent, Administrator of AT&T Pension Benefit Plan, Fidelity Employer Services Company, LLC, Plan herein, to immediately comply with this Court's Qualified Domestic Relations Order and to grant Respondent a Judgment for all of his costs, expenses and attorney's fees, and for such other and further relief as the Court deems just and proper.

LAW OFFICE OF TED VON WILLER

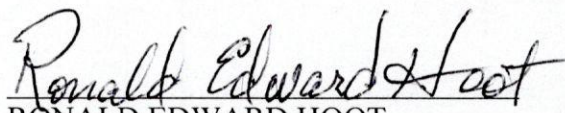


TED VON WILLER, JR.
Attorney for Respondent

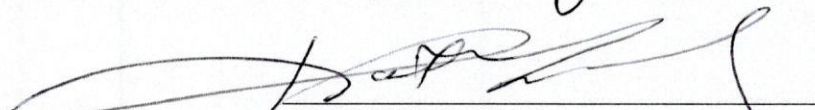
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COUNTY OF GREENE)

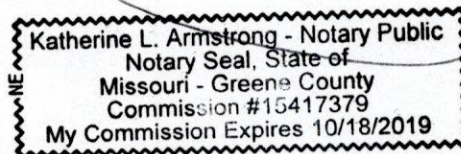
RONALD EDWARD HOOT, after being duly sworn upon his oath, states that he is of lawful age, and that the facts contained in the foregoing Motion To Modify are true and correct to the best of his knowledge and belief, and that he has executed the same as his own free act and deed.


RONALD EDWARD HOOT

Subscribed and sworn to before me this 22nd day of February, 2018.

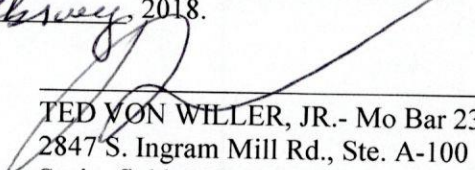

NOTARY PUBLIC

My Commission expires:



Certificate of Service

I, the undersigned, do hereby certify that a copy of the foregoing document was served by Christian County Electronic filing service, pursuant to Supreme Court Rule 103 and Court Operating Rule 27, to Attorney for Petitioner, Thomas M. Benson, Attorney at Law, 901 St. Louis, St., 20th Floor Springfield, MO 65806, on this 23rd day of February, 2018.


TED VON WILLER, JR.- Mo Bar 23931
2847 S. Ingram Mill Rd., Ste. A-100
Springfield, MO 65804
417-886-3330




IN THE 38TH JUDICIAL CIRCUIT COURT, CHRISTIAN COUNTY, MISSOURI

Judge or Division: LARRY G LUNA	Case Number: 38V010100575-01
Plaintiff/Petitioner: KELLY LYNN HOOT	Plaintiff's/Petitioner's Attorney/Address: THOMAS M BENSON 901 ST LOUIS STREET 20TH FLOOR SPRINGFIELD, MO 65806
Defendant/Respondent: RONALD EDWARD HOOT	Court Address: 110 WEST ELM STREET, SUITE 202 OZARK, MO 65721
Nature of Suit: CC Motion to Modify	

(Date File Stamp)

Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

<p>The State of Missouri to: AT&T PENSION BENEFIT PLAN Alias: FIDELITY EMPLOYER SERVICES COMPANY, LLC FIDELITY SERVICES CENTER PO BOX 770003 CINCINNATI, OH 45277-0070</p> <p>COURT SEAL OF  CHRISTIAN COUNTY</p>	<p>You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.</p> <p style="text-align: center;">2-27-18 /S/ BH Date Clerk</p> <p>Further Information:</p>
--	--

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above summons by: (check one)
 - ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
 - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____, a person of the Defendant's/Respondent's family over the age of 15 years.
 - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
 - ☐ other (describe) _____.

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and Sworn To me before this _____ (day) _____ (month) _____ (year)

- I am: (check one)
- ☐ the clerk of the court of which affiant is an officer.
 - ☐ the judge of the court of which affiant is an officer.
 - ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
 - ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees, if applicable

Summons \$ _____
Non Est \$ _____
Mileage \$ _____ (_____ miles @ \$ _____ per mile)
Total \$ _____

See the following page for directions to clerk and to officer making return on service of summons.

Directions to Clerk

Personal service outside the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the Defendant/Respondent or Defendants/Respondents who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court and a copy of the summons and a copy of the petition for each Defendant/Respondent should be mailed along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and sealed in the same manner as the original but it is unnecessary to certify that the copy is a true copy. The copy of the motion may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Plaintiff's/Petitioner has no attorney, the Plaintiff's/Petitioner's address and telephone number should be stated in the appropriate square on the summons. This form is not for use in attachment actions. (See Rule 54.06, 54.07 and 54.14)

Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.

3-29



IN THE 38TH JUDICIAL CIRCUIT COURT, CHRISTIAN COUNTY, MISSOURI

Judge or Division: LARRY G LUNA	Case Number: 38V010100575-01
Plaintiff/Petitioner: KELLY LYNN HOOT	Plaintiff's/Petitioner's Attorney/Address: THOMAS M BENSON 901 ST LOUIS STREET 20TH FLOOR SPRINGFIELD, MO 65806
Defendant/Respondent: RONALD EDWARD HOOT	Court Address: 110 WEST ELM STREET, SUITE 202 OZARK, MO 65721
Nature of Suit: CC Motion to Modify	

(Date File Stamp)

Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)

The State of Missouri to: AT&T PENSION BENEFIT PLAN
Alias: FIDELITY EMPLOYER SERVICES COMPANY, LLC
FIDELITY SERVICES CENTER
PO BOX 770003
CINCINNATI, OH 45277-0070

COURT SEAL OF

CHRISTIAN COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

2-27-18 Date /S/ BH Clerk
Further Information:

Officer's or Server's Affidavit of Service

I certify that: S. Gauche

1. I am authorized to serve process in civil actions within the state or territory where the above summons was served.

2. My official title is Deputy Sheriff of Hamilton County, Ohio (state).

3. I have served the above summons by (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____, a person of the Defendant's/Respondent's family over the age of 15 years.

☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to Jacinta Figueroa (name) Admin. Assistant (title).

☐ other (describe) _____

Served at 3805 Edwards Rd Suite 110 (address)
in Hamilton County, Ohio (state), on March 23 (date) at 9:40 AM (time).

S. Gauche Printed Name of Sheriff or Server S. J. Gauche Deputy Sheriff Signature of Sheriff or Server

Subscribed and Sworn To me before this _____ (day) _____ (month) _____ (year)

I am: (check one) ☐ the clerk of the court of which affiant is an officer.
☐ the judge of the court of which affiant is an officer.
☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
☒ authorized to administer oaths. (use for court appointed server)

(Seal) Allen L. Smith Signature and Title

Service Fees, if applicable

Summons \$ _____
Non Est \$ _____
Mileage \$ _____ (_____ miles @ \$ _____ per mile)
Total \$ _____

See the following page for directions to clerk and to officer making return on service of summons.

Directions to Clerk

Personal service outside the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the Defendant/Respondent or Defendants/Respondents who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court and a copy of the summons and a copy of the petition for each Defendant/Respondent should be mailed along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and sealed in the same manner as the original but it is unnecessary to certify that the copy is a true copy. The copy of the motion may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Plaintiff's/Petitioner has no attorney, the Plaintiff's/Petitioner's address and telephone number should be stated in the appropriate square on the summons. This form is not for use in attachment actions. (See Rule 54.06, 54.07 and 54.14)

Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.

Out of State Service
Hamilton County Sheriff's Department



Monday, March 26, 2018

CASE#	Received On	Type of Paper	Return Date
38V010100575-01	3/22/2018	Summons and Amended Motion	3/29/2018

Service On

AT&T Pension Benefit Plan

Address

3805 Edwards Rd Suite 110

Received Fro	State	Case Caption
Christian	Missouri	Kelly Hoot vs Hoot

Date Serv	Time	Deputy	Type of Service	Person Served
3/23/2018	9:40	Gauche	Residential	JACINTA FIGUEROA

Sheriff Fees	Mileage:	Total:	Date Paid	Check No.	Date Returned
\$10.00	\$12.00	\$22.00	3/22/2018	18208	3/26/2018

Officer's Remarks

PLEASE FORWARD PAYMENT TO:

HAMILTON COUNTY SHERIFF'S DEPARTMENT
1000 MAIN STREET - ROOM 260
CINCINNATI, OHIO 45202
ATTENTION: PROCESS SECTION

PLEASE ENCLOSE A COPY OF THIS STATEMENT WITH PAYMENT.

Monday, March 26, 2018

Page 1 of 1

Ted Von Willer, Jr., P.C.

3-29

March 8, 2018

Attorney at Law

Hamilton County Sheriff's Office
1000 Maine Rm. 260
Cincinnati, Ohio 45202
ATTN.: CIVIL PROCESS

RE: KELLY LYNN HOOT
VS. RONALD EDWARD HOOT
NO.: 38V010100575-01

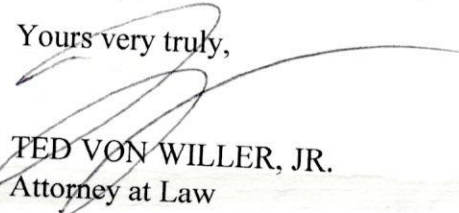
Dear Sheriff:

Enclosed please find a check in the amount of \$22.00 for service fees for the enclosed original and one copy of Summons, and the attached Amended Motion to Modify Amended Judgment Of Dissolution Of Marriage-Qualified Domestic Relations Order to be served on the following:

AT&T Pension Benefit Plan
Fidelity Service Center
3805 Edwards Rd Suite 110
Cincinnati, OH 45209

Thank you in advance for your prompt attention to this matter.

Yours very truly,


TED VON WILLER, JR.
Attorney at Law

TVW/ka
Enclosures

IN THE CIRCUIT COURT OF CHRISTIAN COUNTY, MISSOURI
FAMILY COURT DIVISION

In Re the Marriage Of:

KELLY LYNN HOOT
SSN: XXX-XX-5394,

Petitioner,

vs.

RONALD EDWARD HOOT,
SSN.: XXX-XX-7690,

Respondent.

Case No. 38V010100575-01

NOTICE

To: Thomas M. Benson, Attorney for Petitioner, 901 St. Louis St., 20th Floor,
Springfield, MO 65806 and Jacinta Figeroa, Administrative Assistant, Fidelity Services Center, 3805
Edwards Road, Suite 110, Cincinnati, OH.

PLEASE TAKE NOTICE that I will call up for hearing, Respondent/Movant's Motion
For Trial Setting, at 10:00 o'clock A.M., Wednesday, August 29, 2018, or as soon thereafter as
the Court shall hear the same.

LAW OFFICE OF TED VON WILLER

/s/ Ted Von Willer, Jr.

TED VON WILLER, JR.

Attorney for Respondent

2847 S. Ingram Mill, Rd., Suite A-100
Springfield, MO 65804
Telephone: 417/886-3330
Fax: 417/886-8186
Mo. Bar No. 23931
tedvonwillerpc@aol.com

Certificate of Service

I, the undersigned, do hereby certify that a copy of the foregoing document was served by Greene County
Electronic filing service, pursuant to Supreme Court Rule 103 and Court Operating Rule 27, to Attorney
for Petitioner Thomas M. Benson, Attorney at Law, 901 St. Louis St., 20th Floor, Springfield, MO 65806,
and to Jacinta Figeroa, Administrative Assistant, Fidelity Services Center, 3805 Edwards Road, Suite
110, Cincinnati, OH, via United States Postal service, this 9th day of
August 2018.

/s/ Ted Von Willer, Jr.

TED VON WILLER, JR.- Mo Bar 23931
2847 S. Ingram Mill Rd., Ste. A-100

Springfield, MO 65804
417-886-3330

RULE 55.03 (a) CERTIFICATION

The undersigned attorney hereby certifies that pursuant to Missouri Supreme Court Rule 55.03 (a), the original of this electronically filed document was signed by the attorney of record herein, and that the original of said electronically filed document will be maintained for a period of not less than the maximum allowable time to complete the appellate process.

/s/ Ted Von Willer, Jr.
TED VON WILLER, JR.- Mo Bar 23931
2847 S. Ingram Mill Rd., Ste. A-100
Springfield, MO 65804
417-886-3330

IN THE CIRCUIT COURT OF CHRISTIAN COUNTY, MISSOURI
FAMILY COURT DIVISION

In Re the Marriage Of:

KELLY LYNN HOOT)	
SSN: XXX-XX-5394,)	
)	
Petitioner,	)	Case No. 38V010100575-01
)	
vs.)	
)	
RONALD EDWARD HOOT,)	
SSN.: XXX-XX-7690,)	
)	
Respondent.)	
)	
AT&T Pension Benefit Plan)	
Fidelity Employer Services Company, LLC,)	
Plan Administrator,)	
Fidelity Services Center)	
P.O. Box 770003)	
Cincinnati, OH 45277-0070.)	
)	
Third-Party Respondent.)	

MOTION FOR TRIAL SETTING

COMES NOW the Respondent/Movant, Ronald E. Hoot, in the above-referenced matter, and requests the Court to set the above matter on its Trial Docket at its earliest opportunity and as grounds therefore states to the Court as follows:

1. That the above case was filed on November 17, 2017.
2. That Petitioner was served on December 19, 2017 and Third-Party Respondent was joined on February 14, 2018 and served on March 23, 2018, to date Third Party Respondent has not filed and answer or responsive pleadings.
3. That Respondent/Movant desires to move forward with the proceeding and trial in the above referenced matter.
4. That Respondent/Movant believes this matter will take two to three hours to try.

WHEREFORE, Petitioner prays the court to set the above referenced matter for Trial at its earliest convenience, and for such other and further relief as the Court deems just and proper in the premises.

LAW OFFICE OF TED VON WILLER

TED VON WILLER, JR.
Attorney for Respondent/Movant

2847 S. Ingram Mill, Rd., Suite A-100
Springfield, MO 65804
Telephone: 417/886-3330
Fax: 417/886-8186
Mo. Bar No. 23931
tedvonwillerpc@aol.com

Certificate of Service

I, the undersigned, do hereby certify that a copy of the foregoing document was served by Greene County Electronic filing service, pursuant to Supreme Court Rule 103 and Court Operating Rule 27, to Attorney for Petitioner Thomas M. Benson, Attorney at Law, 901 St. Louis St., 20th Floor, Springfield, MO 65806, and Jacinta Figeroa, Administrative Assistant, Fidelity Services Center, 3805 Edwards Road, Suite 110, Cincinnati, OH this 9th day of August 2018.

/s/ Ted Von Willer, Jr.
TED VON WILLER, JR.- Mo Bar 23931
2847 S. Ingram Mill Rd., Ste. A-100
Springfield, MO 65804
417-886-3330

RULE 55.03 (a) CERTIFICATION

The undersigned attorney hereby certifies that pursuant to Missouri Supreme Court Rule 55.03 (a), the original of this electronically filed document was signed by the attorney of record herein, and that the original of said electronically filed document will be maintained for a period of not less than the maximum allowable time to complete the appellate process.

/s/ Ted Von Willer, Jr.
TED VON WILLER, JR.- Mo Bar 23931
2847 S. Ingram Mill Rd., Ste. A-100
Springfield, MO 65804
417-886-3330



MEMBERS

THEODORE L. JOHNSON, III
CRAIG F. LOWTHER
MICHAEL K. CULLY ¹
JOHN W. HOUSLEY
DAVID A. FIELDER
GLENN P. GREEN
THOMAS M. BENSON
RANDY J. REICHARD
LEE J. VIOREL
MICHAEL L. MILLER
KORY D. STUBBLEFIELD
RUSSELL W. COOK ^{1,2}
MATTHEW J. GROWCOCK
MATHEW L. PLACZEK
AARON M. KLUSMEYER
KYLE HARMON

OF COUNSEL

GREGGORY D. GROVES

ASSOCIATES

N. AUSTIN FAX
AIMEE L. MORRISON
MEGAN N. CRESON

OFFICE ADMINISTRATOR

DEANA THOMLINSON

¹ ALSO ADMITTED IN ARKANSAS

² ALSO ADMITTED IN KANSAS

DIRECT EMAIL

TBENSON@LOWTHERJOHNSON.COM

901 ST. LOUIS STREET
20TH FLOOR
SPRINGFIELD, MISSOURI
65806-2592
TELEPHONE :
(417) 866-7777 EXT
FACSIMILE :
(417) 866-1752

WEB

www.lowtherjohnson.com

September 18, 2018

Honorable Jessica L. Kruse
Christian County Associate Circuit Court
110 W. Elm Street, Room 203
Ozark, Missouri 65721

RE: **Kelly Lynn Matta v Ronald Edward Hoot**
Christian County Case No. 38V010100575-01
Matter ID 20256-002

Dear Judge Kruse:

Pursuant to the court's docket entry of September 14, 2018, I hereby provide my available dates to reschedule the trial date of January 18, 2019 which was canceled due to the court's unavailability.

My available dates are as follows:

Nov 7, 8, 9, 26, 28, 29;
Dec 3, 4, 5, 6, 7, 11, 17, 18, 19, 20, 21, 27, 28;
Jan 22, 23, 24; and
Feb 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27.

If any additional dates are needed, please let me know and I will remit same promptly.

Very truly yours,

LOWTHER JOHNSON
Attorneys at Law, LLC

Thomas M. Benson

TMB:jmc
cc: Client



Ted Von Willer, Jr., P.C.

Attorney at Law

September 20, 2018

The Honorable Jessica L. Kruse
Christian County Associate Circuit Court
110 W. Elm Street, Room 203
Ozark, MO 65721

RE: KELLY LYNN HOOT
VS. RONALD EDWARD HOOT
NO.: 38V010100575-01

Dear Judge Kruse:

Pursuant to the Court's docket entry of September 14, 2018, please find my available dates beginning in January, 2019.

January: 21-25;
February: 4-6, 11-22,
March: 11, 13, 15, 18, 25,
April: 4 – 16, and 19-24.

A copy of this correspondence has been sent to attorney Thomas Benson, via electronic filing service.

Yours very truly,



TED VON WILLER, JR.
Attorney at Law

TVW/ka
Enclosures

IN THE 38TH JUDICIAL COURT, CHRISTIAN COUNTY, MISSOURI

KELLY LYNN HOOT,)	
n/k/a KELLY LYNN MATTA,)	
)	
Petitioner,)	
)	
v.	)	Case #38V010100575-01
)	
RONALD EDWARD HOOT,)	
)	
Respondent/Movant.)	

**PETITIONER'S ANSWER TO RESPONDENT'S MOTION TO MODIFY AMENDED
JUDGMENT OF DISSOLUTION OF MARRIAGE/
QUALIFIED DOMESTIC RELATIONS ORDER**

COMES NOW Petitioner Kelly Lynn Matta and for her Answer to Motion to Modify Amended Judgment of Dissolution/Qualified Domestic Relations Order, states and avers to the Court as follows:

1. Petitioner admits that this Court entered its Judgment and Decree of Dissolution of Marriage on or about December 30, 2003, and entered its Amended Judgment of Dissolution of Marriage on or about February 23, 2004. Petitioner denies all other allegations contained in paragraph 1 of the Motion to Modify and requires strict proof thereof.
2. Petitioner admits the allegations contained in paragraph 2 of the Motion to Modify.
3. Petitioner admits the allegations contained in paragraph 3 of the Motion to Modify.
4. Petitioner admits the allegations contained in paragraph 4 of the Motion to Modify.
5. Petitioner admits the allegations contained in paragraph 5 of the Motion to Modify.
6. Petitioner is without sufficient information to admit or deny the allegations contained in paragraph 6 of the Motion to Modify and, therefore, denies same and requires strict proof thereof.

7. Petitioner is without sufficient information to admit or deny the allegations contained in paragraph 7 of the Motion to Modify and, therefore, denies same and requires strict proof thereof. For further answer, Petitioner states that no action or behavior taken by her has caused the Respondent to spend unnecessary costs or attorney fees.

WHEREFORE having fully answered the Motion to Modify Amended Judgment of Dissolution of Marriage, Petitioner prays for this Court's order enforcing its previously entered orders in this matter; and for such other and further relief as the Court deems just and proper in the premises.

Kelly Lynn Matta
 KELLY LYNN MATTA f/k/a
 KELLY LYNN HOOT

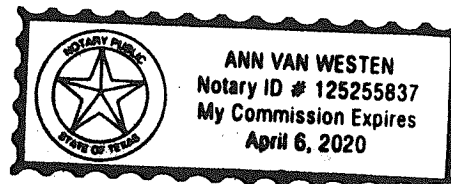
STATE OF TEXAS)
) ss.
 COUNTY OF Smith)

On this 8th day of January 2018, before me personally appeared KELLY LYNN MATTA f/k/a KELLY LYNN HOOT, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.


IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Springfield, Missouri, the day and year first above written.

Ann Van Westen
 Notary Public

My Commission expires: April 6, 2020



LOWTHER JOHNSON
Attorneys at Law, LLC

By: 
Thomas M. Benson
Missouri Bar Number 42659
901 St. Louis Street, 20th Floor
Springfield, MO 65806
Telephone: 417-866-7777
Fax: 417-866-1752
tbenson@lowtherjohnson.com
Attorney for Petitioner/Respondent


IN THE 38TH JUDICIAL COURT, CHRISTIAN COUNTY, MISSOURI

KELLY LYNN HOOT,)	
n/k/a KELLY LYNN MATTA,)	
)	
Petitioner,)	
)	
v.	)	Case #38V010100575-01
)	
RONALD EDWARD HOOT,)	
)	
Respondent/Movant.)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of Petitioner's First Request for Production of Documents to AT&T Pension Benefit Plan, Third-Party Respondent was sent via electronic mail to Jacinta Figueroa, Administrative Assistant, Fidelity Services Center, 3805 Edwards Road, Suite 110, Cincinnati, Ohio at cincinnati.office@fidelity.com on this 2nd day of January 2019.

LOWTHER JOHNSON
Attorneys at Law, LLC

By: 
 Thomas M. Benson
 Missouri Bar Number 42659
 901 St. Louis Street, 20th Floor
 Springfield, MO 65806
 Telephone: 417-866-7777
 Fax: 417-866-1752
tbenson@lowtherjohnson.com
 Attorney for Petitioner


IN THE 38TH JUDICIAL COURT, CHRISTIAN COUNTY, MISSOURI

KELLY LYNN HOOT,)	
n/k/a KELLY LYNN MATTA,)	
)	
Petitioner,)	
)	
v.	)	Case #38V010100575-01
)	
RONALD EDWARD HOOT,)	
)	
Respondent/Movant.)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of Petitioner's Notice of Hearing, Petitioner's Motion for Continuance, Petitioner's Motion for Leave to File Crossclaim Out of Time with copy of Petitioner Kelly Lynn Hoot n/k/a Kelly Lynn Matta's Crossclaim Against Third-Party Respondent AT&T Pension Benefit Plan was sent via U.S. Mail, postage prepaid, electronic mail to Jacinta Figueroa, Administrative Assistant, Fidelity Services Center, 3805 Edwards Road, Suite 110, Cincinnati, Ohio at cincinnati.office@fidelity.com on this 4th day of January 2019.

LOWTHER JOHNSON
Attorneys at Law, LLC

By: 
 Thomas M. Benson
 Missouri Bar Number 42659
 901 St. Louis Street, 20th Floor
 Springfield, MO 65806
 Telephone: 417-866-7777
 Fax: 417-866-1752
tbenson@lowtherjohnson.com
Attorney for Petitioner

IN THE 38TH JUDICIAL COURT, CHRISTIAN COUNTY, MISSOURI

KELLY LYNN HOOT,)	
)	
Petitioner,)	
)	
v.	)	Case #38V010100575-01
)	
RONALD EDWARD HOOT,)	
)	
Respondent.)	


PETITIONERS MOTION FOR CONTINUANCE

COMES NOW Petitioner and for her Motion for Continuance states and avers to the Court as follows:

1. That the above-referenced matter is presently set for trial on Monday, February 4, 2019, beginning at 9:00 a.m.
2. That discovery is not yet complete in this matter and that Petitioner requires additional time to complete discovery.
3. That counsel for Respondent/Movant has no objection to the Motion for Continuance.

WHEREFORE Petitioner prays for this Court's order continuing the above-captioned matter for trial to a time and date certain; and for such other and further relief as the Court deems just and proper.

LOWTHER JOHNSON
Attorneys at Law, LLC

By: 
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tbenson@lowtherjohnson.com
Attorney for Petitioner

IN THE 38TH JUDICIAL COURT, CHRISTIAN COUNTY, MISSOURI

KELLY LYNN HOOT,)	
)	
Petitioner,)	
)	
v.	)	Case #38V010100575-01
)	
RONALD EDWARD HOOT,)	
)	
Respondent.)	

PETITIONER'S MOTION FOR LEAVE TO FILE CROSSCLAIM OUT OF TIME

COMES NOW Petitioner by and through undersigned counsel and for her Motion for Leave to File Crossclaim Out of Time states and avers to the Court as follows:

1. That the above case was filed on or about November 17, 2017.
2. That Third-Party Respondent AT&T Pension Benefit Plan was joined February 14, 2018 and served March 23, 2018.
3. That to date, Third-Party Respondent has not filed an answer or responsive pleadings and has not appeared in court.
4. That Petitioner has incurred attorney fees and expenses in defending this action which ought to be the responsibility of the Third-Party Respondent.
5. That the granting of this Motion will prejudice no party herein.

WHEREFORE, Petitioner prays for this Court's order granting leave to file a crossclaim (attached hereto) out of time; and for such other and further relief as the Court deems just and proper in the premises.

LOWTHER JOHNSON
Attorneys at Law, LLC

By: _____

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Attorney for Petitioner/Respondent

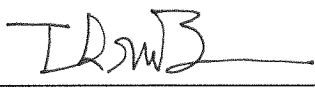
IN THE 38TH JUDICIAL COURT, CHRISTIAN COUNTY, MISSOURI

KELLY LYNN HOOT,)	
)	
Petitioner,)	
)	
v.	)	Case #38V010100575-01
)	
RONALD EDWARD HOOT,)	
)	
Respondent.)	

PETITIONER'S NOTICE OF HEARING

PLEASE TAKE NOTICE that counsel for Petitioner will call up for hearing and determination Petitioner's Motion for Continuance, Petitioner's Motion for Leave to File Crossclaim Out of Time, and Petitioner Kelly Lynn Hoot n/k/a Kelly Lynn Matta's Crossclaim Against Third-Party Respondent AT&T Pension Benefit Plan on Wednesday, January 16, 2019, at 10:00 a.m. or as soon thereafter as counsel may be heard.

LOWTHER JOHNSON
Attorneys at Law, LLC

By: 
 Thomas M. Benson
 Missouri Bar Number 42659
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 Springfield, MO 65806
 Telephone: 417-866-7777
 Fax: 417-866-1752
 tbenson@lowtherjohnson.com
 Attorney for Petitioner


IN THE 38TH JUDICIAL COURT, CHRISTIAN COUNTY, MISSOURI

KELLY LYNN HOOT,)	
)	
Petitioner,)	
)	
v.	)	Case #38V010100575-01
)	
RONALD EDWARD HOOT,)	
)	
Respondent.)	

PETITIONER'S AMENDED NOTICE OF HEARING

PLEASE TAKE NOTICE that counsel for Petitioner will call up for hearing and determination Petitioner's Motion for Continuance, Petitioner's Motion for Leave to File Crossclaim Out of Time, and Petitioner Kelly Lynn Hoot n/k/a Kelly Lynn Matta's Crossclaim Against Third-Party Respondent AT&T Pension Benefit Plan on Wednesday, January 23, 2019, at 10:00 a.m. or as soon thereafter as counsel may be heard.

LOWTHER JOHNSON
Attorneys at Law, LLC

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Springfield, MO 65806
Telephone: 417-866-7777
Fax: 417-866-1752
tbenson@lowtherjohnson.com
Attorney for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of Petitioner's Amended Notice of Hearing was sent via U.S. Mail, postage prepaid, and electronic mail to Jacinta Figueroa, Administrative Assistant, Fidelity Services Center, 3805 Edwards Road, Suite 110, Cincinnati, Ohio at Cincinnati.office@fidelity.com on this 7th day of January 2019.

A handwritten signature in black ink, appearing to read "T. L. Smith", is written above a horizontal line.

Attorney

IN THE 38TH JUDICIAL COURT, CHRISTIAN COUNTY, MISSOURI

KELLY LYNN HOOT,)	
n/k/a KELLY LYNN MATTA,)	
)	
Petitioner,)	
)	
v.	)	Case #38V010100575-01
)	
RONALD EDWARD HOOT,)	
)	
Respondent/Movant.)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of Petitioner's First Request for Production of Documents to AT&T Pension Benefit Plan, Third-Party Respondent was sent via U.S. Mail, postage prepaid, to Jacinta Figueroa, Administrative Assistant, Fidelity Services Center, 3805 Edwards Road, Suite 110, Cincinnati, Ohio on this 17th day of January 2019.

LOWTHER JOHNSON
Attorneys at Law, LLC

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Telephone: 417-866-7777
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tbenson@lowtherjohnson.com
Attorney for Petitioner

IN THE 38th JUDICIAL CIRCUIT COURT OF CHRISTIAN COUNTY, MISSOURI

KELLY LYNN HOOT

Petitioner,

VS.

CASE NUMBER: 38V010100575-01

RONALD EDWARD HOOT

Respondent

DOCKET ENTRY

Petitioner/Plaintiff appears by Atty Benson

Respondent/Defendant appears by does not appear

GAL _____ appears for the minor child/children

☒ Motion for continuance ☒ Sustained _____ Denied

☐ Motion to withdraw _____ Sustained _____ Denied

☐ Motion to compel _____

Sustained _____ Denied _____ given _____ days to comply.

☐ Motion to appoint Guardian ad Litem _____ Sustained _____ Denied

_____ Appointed as GAL

☐ Motion for sanctions _____ Sustained _____ Denied

Sanctions imposed: _____

☐ Motion for special setting _____ Sustained _____ Denied

Set for _____ at _____ am/pm to hear evidence on

☐ Motion for trial setting. Set for _____ at 9:00am # _____ Setting

PTC set for _____ at _____ am/pm.

☐ Motion for Mediation. _____ Sustained _____ Denied

Parties to mediate by _____. Mediator: _____

OTHER:

Counsel to submit available dates for trial June 2019 -
Sept. 2019, Motion for Leave to file a Cross
Claim is passed.

SO ORDERED:

HONORABLE JUDGE JESSICA L KRUSE
ASSOCIATE CIRCUIT JUDGE, DIVISION III

COURT SEAL OF



CHRISTIAN COUNTY

1/23/19
DATE



MEMBERS

THEODORE L. JOHNSON, III
CRAIG F. LOWTHER
MICHAEL K. CULLY ¹
JOHN W. HOUSLEY
DAVID A. FIELDER
GLENN P. GREEN
THOMAS M. BENSON
RANDY J. REICHARD
LEE J. VIOREL
MICHAEL L. MILLER
KORY D. STUBBLEFIELD
RUSSELL W. COOK ^{1,2}
MATTHEW J. GROWCOCK
MATHEW L. PLACZEK
AARON M. KLUSMEYER
KYLE HARMON
GREGGORY D. GROVES

ASSOCIATES

N. AUSTIN FAX
AIMEE L. MORRISON
MEGAN N. CRESON
KEVIN A. SCHARF

OFFICE ADMINISTRATOR

DEANA THOMLINSON

¹ ALSO ADMITTED IN ARKANSAS

² ALSO ADMITTED IN KANSAS

DIRECT EMAIL

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FACSIMILE :
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WEB

www.lowtherjohnson.com

January 25, 2019

Honorable Jessica L. Kruse
Christian County Associate Circuit Court
110 W. Elm Street, Room 203
Ozark, Missouri 65721

RE: **Kelly Lynn Matta v Ronald Edward Hoot**
Christian County Case No. 38V010100575-01
Matter ID 20256-002

Dear Judge Kruse:

Pursuant to the Court's docket entry of Wednesday, January 23, 2019, I hereby submit my conflict dates for June through September 2019 for resetting of the trial in the above referenced matter. My conflict dates are as follows:

June 5, 6, 7, 10, 11, 12, 19, 20, 21, 24, 25, 26;
July 10, 11, 17, 18, 19, 22, 23, 24, 25;
Aug 5, 6, 7, 8, 9, 29, 30;
Sept 2, 3, 11.

If additional conflict dates are required, please let me know and I will remit same promptly.

Very truly yours,

LOWTHER JOHNSON
Attorneys at Law, LLC

Thomas M. Benson

TMB:jmc
cc: Client



Ted Von Willer, Jr., P.C.

Attorney at Law

February 8, 2019

The Honorable Jessica Kruse
Associate Circuit Court Judge
Christian County Courthouse
110 W. Elm Room 202
Ozark, MO 65721

RE: KELLY LYNN HOOT
VS. RONALD EDWARD HOOT
NO.: 38V010100575-01

Dear Judge Kruse:

Pursuant to the Court's docket entry of January 23, 2019, please find my available dates for trial as follows:

June: 3, 7, 10, 11, 24, 28
July: 1-3, 8, 9, 12-17, 31
August: 1-14, 22-28, 30,
September: 2-4, 12-23, and 30.

Because of my surgery, I have had to request several matters to be reset, so I would request that your clerk call Katherine, in my office, prior to setting the case, to assure that the dates chosen have not been already taken.

Thank you for your time and attention to this matter.

Yours very truly,

TED VON WILLER, JR.
Attorney at Law

TVW/ka
Cc: Ronnie Hoot
Mr. Thomas M. Benson
Attorney at Law



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38V010100575-01 - KELLY LYNN HOOT V RONALD EDWARD HOOT

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/ Execution
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Display Options:

All Entries
[Click here to Respond to Selected Documents](#)
☐ Ascending

- 02/08/2019 ☐ [Correspondence Filed](#)
Letter to Judge Kruse re Available dates; Electronic Filing Certificate of Service.
Filed By: THEODORE EDMOND VON WILLER JR
On Behalf Of: RONALD EDWARD HOOT
- 01/25/2019 ☐ [Correspondence Filed](#)
Correspondence to Judge Kruse with conflict dates; Electronic Filing Certificate of Service.
Filed By: THOMAS M BENSON
On Behalf Of: KELLY LYNN HOOT
- 01/23/2019 ☐ [Hearing/Trial Cancelled](#)
Scheduled For: 02/04/2019; 9:00 AM ; JESSICA LYNN KRUSE; Christian
- ☐ [Motion Hearing Held](#)
Petitioner appears by Atty Benson. Respondent does not appear. Atty Boatright for 3rd Party Respondent. Motion for continuance sustained. Counsel to submit available dates for trial setting in June 2019 - September 2019. Motion for leave to file a cross claim is passed. /s/ Judge Jessica Kruse
Scheduled For: 01/23/2019; 10:00 AM ; JESSICA LYNN KRUSE; Christian
- 01/17/2019 ☐ [Cert Serv of Prod of Docs, etc](#)
Certificate of Service of Petitioners First Request for Production of Documents to ATT Pension Benefit Plan; Electronic Filing Certificate of Service.
Filed By: THOMAS M BENSON
On Behalf Of: KELLY LYNN HOOT
- 01/08/2019 ☐ [Motion Hearing Scheduled](#)
Associated Entries: 01/23/2019 - [Motion Hearing Held](#)
Scheduled For: 01/23/2019; 10:00 AM ; JESSICA LYNN KRUSE; Christian
- 01/07/2019 ☐ [Notice of Hearing Filed](#)
Petitioners Amended Notice of Hearing; Electronic Filing Certificate of Service.
Filed By: THOMAS M BENSON
On Behalf Of: KELLY LYNN HOOT
- ☐ [Judge/Clerk - Note](#)
Court is unavailable the week of 1/16/19. Atty Benson is requested to renote motions. /jb
- 01/04/2019 ☐ [Motion for Leave](#)
Petitioners Motion for Leave to File Crossclaim Out of Time; Petitioner Kelly Lynn Hoot nka Mattas Crossclaim Against 3rd Party Respondent ATT Pension Benefit Plan; Electronic Filing Certificate of Service.
Filed By: THOMAS M BENSON
On Behalf Of: KELLY LYNN HOOT
- ☐ [Notice of Hearing Filed](#)
Petitioners Notice of Hearing; Electronic Filing Certificate of Service.
Filed By: THOMAS M BENSON

- ☐ [Motion for Continuance](#)
Petitioners Motion for Continuance; Electronic Filing Certificate of Service.
Filed By: THOMAS M BENSON
- ☐ [Certificate of Service](#)
Certificate of Service; Electronic Filing Certificate of Service.
Filed By: THOMAS M BENSON
- 01/02/2019 ☐ [Cert Serv Req Prod Docs Things](#)
Certificate of Service to Third-Party Respondent regarding Request for Production of Documents;
Electronic Filing Certificate of Service.
Filed By: THOMAS M BENSON
On Behalf Of: KELLY LYNN HOOT
- 09/28/2018 ☐ **Court Trial Scheduled**
By agreement via available dates, trial is set for 2/4/19 at 9:00 am as a #1 setting. /jb
Associated Entries: 01/23/2019 - Hearing/Trial Cancelled
Scheduled For: 02/04/2019; 9:00 AM ; JESSICA LYNN KRUSE; Christian
- 09/21/2018 ☐ [Correspondence Filed](#)
Letter to Judge Kruse; Electronic Filing Certificate of Service.
Filed By: THEODORE EDMOND VON WILLER JR
On Behalf Of: RONALD EDWARD HOOT
- 09/18/2018 ☐ [Correspondence Filed](#)
correspondence to Judge Kruse; Electronic Filing Certificate of Service.
Filed By: THOMAS M BENSON
On Behalf Of: KELLY LYNN HOOT
- 09/14/2018 ☐ **Hearing/Trial Cancelled**
DUE TO COURT UNAVAILABILITY TRIAL FOR 1/18/19 IS CANCELLED. PARTIES INSTRUCTED TO
SUBMIT AVAILABLE DATES FOR A NEW SETTING. /JB
Scheduled For: 01/18/2019; 9:00 AM ; JESSICA LYNN KRUSE; Christian
- 09/04/2018 ☐ **Judge Assigned**
New Associate Division III Judge
- 08/31/2018 ☐ **Court Trial Scheduled**
Associated Entries: 09/14/2018 - Hearing/Trial Cancelled ±
Scheduled For: 01/18/2019; 9:00 AM ; JESSICA LYNN KRUSE; Christian
- 08/29/2018 ☐ **Trial Setting Held**
Parties by Von Willer and Benson. Cause is set for trial on 1/18/2019 at 9 am. /s/ Judge Larry Luna
Scheduled For: 08/29/2018; 10:00 AM ; LARRY G LUNA; Christian
- 08/13/2018 ☐ **Trial Setting Scheduled**
Associated Entries: 08/29/2018 - Trial Setting Held ±
Scheduled For: 08/29/2018; 10:00 AM ; LARRY G LUNA; Christian
- 08/09/2018 ☐ [Notice of Hearing Filed](#)
Notice; Electronic Filing Certificate of Service.
Filed By: THEODORE EDMOND VON WILLER JR
On Behalf Of: RONALD EDWARD HOOT
- ☐ [Motion for Trial Setting](#)
Motion for Trial Setting; Electronic Filing Certificate of Service.
Filed By: THEODORE EDMOND VON WILLER JR
- 04/03/2018 ☐ **Return Service - Other**

Document ID - 18-SMOS-15; Served To - AT&T PENSION BENEFIT PLAN; Server - ; Served Date - 23-MAR-18; Served Time - 00:00:00; Service Type - Sheriff Department; Reason Description - Served

☐ [Summ Req-Circ Pers Serv O/S](#)

Return Service on ATT Pension Plan-Served; Electronic Filing Certificate of Service.

Filed By: THEODORE EDMOND VON WILLER JR

On Behalf Of: RONALD EDWARD HOOT

02/27/2018 ☐ [Summons Issued-Circuit](#)

Document ID: 18-SMOS-15, for AT&T PENSION BENEFIT PLAN.

02/23/2018 ☐ [Note to Clerk eFiling](#)

Filed By: THEODORE EDMOND VON WILLER JR

☐ [Amended Motion to Modify Filed](#)

Amended Motion to Modify Amended Judgment of Dissolution of Marriage-Qualified Domestic Relations Order; Electronic Filing Certificate of Service.

Filed By: THEODORE EDMOND VON WILLER JR

On Behalf Of: RONALD EDWARD HOOT

02/14/2018 ☐ [Motion Hearing Held](#)

Parties by Von Willer and Benson. Petitioner's motion for leave to add third party is granted without objection. Petitioner granted 20 days to file amended pleading. /s/ Judge Larry Luna

Scheduled For: 02/14/2018; 10:00 AM ; LARRY G LUNA; Christian

01/31/2018 ☐ [Motion Hearing Scheduled](#)

Associated Entries: 02/14/2018 - Motion Hearing Held 

Scheduled For: 02/14/2018; 10:00 AM ; LARRY G LUNA; Christian

01/30/2018 ☐ [Notice of Hearing Filed](#)

Notice; Electronic Filing Certificate of Service.

Filed By: THEODORE EDMOND VON WILLER JR

On Behalf Of: RONALD EDWARD HOOT

☐ [Mot to Join Additional Party](#)

Motion to Join Necessary Party; Electronic Filing Certificate of Service.

Filed By: THEODORE EDMOND VON WILLER JR

01/12/2018 ☐ [Answer Filed](#)

Petitioners Answer to Respondents Motion to Modify Amended Judgment of Dissolution of MarriageQualified Domestic Relations Order; Electronic Filing Certificate of Service.

Filed By: THOMAS M BENSON

On Behalf Of: KELLY LYNN HOOT

01/09/2018 ☐ [Answer Filed](#)

Petitioners Answer to Respondents Motion to Modify Amended Judgment of Dissolution of MarriageQualified Domestic Relations Order; Electronic Filing Certificate of Service.

Filed By: THOMAS M BENSON

On Behalf Of: KELLY LYNN HOOT

01/08/2018 ☐ [Summons Personally Served](#)

Document ID - 17-SM63-5; Served To - HOOT, KELLY LYNN; Server - SMITH COUNTY TEXAS CONSTABLE; Served Date - 19-DEC-17; Served Time - 14:00:00; Service Type - Sheriff Department; Reason Description - Served

01/04/2018 ☐ [Entry of Appearance Filed](#)

Entry of Appearance of Thomas M Benson; Electronic Filing Certificate of Service.

Filed By: THOMAS M BENSON

On Behalf Of: KELLY LYNN HOOT

11/20/2017 ☐ [Summons Issued-Circuit](#)

Document ID: 17-SM63-5, for HOOT, KELLY LYNN.

☐ **Judge Assigned****11/17/2017** ☐ **Confid Filing Info Sheet Filed**

Confidential Case Filing Information Sheet; Electronic Filing Certificate of Service.

Filed By: THEODORE EDMOND VON WILLER JR**On Behalf Of:** RONALD EDWARD HOOT☐ [Mot to Join Additional Party](#)

Motion to Join Necessary Party; Electronic Filing Certificate of Service.

Filed By: THEODORE EDMOND VON WILLER JR☐ [Motion to Modify Filed](#)Motion to Modify Amended Judgment Of Dissolution of Marriage -Qualified Domestic Relations Order;
Electronic Filing Certificate of Service.